

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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P. MCDOWELL,

Plaintiff,

- against -

T-MOBILE USA, INC.,

Defendant.

MEMORANDUM AND ORDER

Civil Action No.
04-CV-2909 (DGT)

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TRAGER, J.:

On December 1, 2005, United States Magistrate Judge Azrack entered an order granting plaintiff's application for additional discovery in his Title VII case in which he alleges employment discrimination on the basis of race and retaliation. On December 12, 2005, defendant filed an objection to the order pursuant to Fed. R. Civ. Pro. 72(a), arguing that the Magistrate Judge improperly expanded the time period of relevant evidence for discovery.

Fed. R. Civ. P. 72(a) requires that "[t]he district judge to whom the case is assigned shall consider [objections filed pursuant to Rule 72(a)] and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law." Defendant has failed to demonstrate that Magistrate Judge Azark's Report and Recommendation is clearly

erroneous or contrary to law. Therefore, defendant's objection to the order is denied.

Dated: Brooklyn, New York
January 26, 2006

SO ORDERED:

/s/
David G. Trager
United States District Judge